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ORDINANCE NO. 47-027

AN ORDINANCE CREATING CHAPTER 3.10 OF THE CODE
OF THE CITY OF WICHITA, KANSAS, PERTAINING TO
COMMUNITY EVENTS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA,
KANSAS:

Section 1. Section 3.10.010 of the Code of the City of Wichita, Kansas, is created to read
as follows:

"Purpose. It is the purpose of this Chapter to establish a process for permitting community events to use City streets, parks, and city-owned facilities. The City recognizes that substantial community benefits may result from community events. They can provide cultural enrichment, promote economic vitality and enhance community identity. They may also provide funding opportunities for service organizations. This Chapter is to provide a coordinated process for managing community events occurring on public and private property to ensure the health and safety of event patrons, residents, workers, and other visitors; to prohibit illegal activities from occurring at the community events; and to protect the rights of community event permit holders. It is also the intent of the Council to protect the rights of people to engage in expressive activities in the City's public places and to establish the least restrictive and reasonable time, place and manner regulation of these activities, without regard to the expressive content of those activities."

SECTION 2. Section 3.10.020 of the Code of the City of Wichita, Kansas, is created to read as follows:

"Definitions. (a) 'Community event' means:

(1) an outdoor event on City-owned property with an expected attendance of fifty (50) or more persons, organized for a particular and limited purpose and time;

(2) outdoor events on private property or which occur in City of Wichita parks with an expected attendance of two hundred fifty (250) or more people, organized for a particular and limited purpose and time.

Such events shall include, but not be limited to: fun runs, roadway foot races, fundraising walks, bikeathons, carnivals, festivals, community celebrations, shows, exhibitions, circuses and fairs. Such term shall not include events, other than fun runs or races, occurring solely on sidewalks or public rights-of-way immediately adjacent to public streets.

(b) Exceptions.

The provisions of this chapter shall not apply to:

1. Community events conducted by the City of Wichita or events regulated by Chapter 3.14 of the Code of the City of Wichita.

2. Events consisting only of a parade, whether regulated or exempted by the provisions of Section 3.13.020 of the Code of the City of Wichita.

3. Funeral processions as regulated by Chapter 3.74 of the Code of the City of Wichita.

4. Outdoor events occurring at amusement parks licensed pursuant to Chapter 3.20 of the Code of the City of Wichita.

5. Social or political protests, rallies, gatherings, assemblies, or vigils occurring on public property, which consist solely of the displaying of signs or banners, singing and the delivering of speeches.

6. Outdoor events conducted entirely on the property of a museum, educational or religious institution.

7. Outdoor events held at a members-only facility at which the only participants are the members (and their invited nonpaying guests) and no extraordinary police services are required.

8. Events held entirely inside the Lawrence-Dumont Stadium.

9. Farmers Markets licensed pursuant to Chapter 3.94 of the Code of the City of Wichita.

10. Auctions as regulated by Chapter 3.36 of the Code of the City of Wichita.

11. Garage or Miscellaneous sales as regulated by Chapter 3.44 of the Code of the City of Wichita.

12. Performances of Street Performers as defined and regulated by Chapter 10.36 of the Code of the City of Wichita.

13. Sporting events, contests, practices or tournaments occurring at sport complexes or playing fields where the scope of the event is limited to the sporting event for which the property is designed to be utilized.

14. Events held at a private residence where no admission is charged, the event is not open or advertised to the public, and no extraordinary police services are required.

(c) 'Community Event Coordinator' means the Manager of Arts and Cultural Services or his or her designee.

(d) 'Community Event Promoter' means the person who is directly responsible for organizing and/or conducting the event.

(e) 'Extraordinary police services' means responsive police services which are in addition to and in excess of the normal police services provided to the location or off-site as a direct result of the event.

(f) 'Person' shall mean a natural person or a legal entity such as, but not limited to an individual, firm, association, joint stock company, partnership or corporation."

SECTION 3. Section 3.10.030 of the Code of the City of Wichita, Kansas, is created to read as follows:

"Community Events Coordinator. The Manager of Arts and Cultural Services is hereby directed to carry out the provisions of this Chapter. In reviewing and approving community events applications, the Community Events Coordinator shall consult representatives of City departments, including, but not limited, to the following departments: City Manager's Office, Office of Central Inspection, Park and Recreation, Public Works, Fire, Police, and Environmental Services. The Law Department shall provide all legal services, legal advice and opinions regarding issues pertaining to this Chapter."

SECTION 4. Section 3.10.040 of the Code of the City of Wichita, Kansas, is created to read as follows:

"Authority of the Community Events Coordinator. The Community Events Coordinator is authorized to:

(a) Administer and apply this Chapter;

(b) Represent the City, under the authority of the City Manager, in discussions and in establishing agreements with the person(s) who represent the event;

(c) Establish, under the authority of the City Manager, any implementing regulations/guidelines consistent with this Chapter, and other provisions of the Municipal Code applicable to the event.”

SECTION 5. Section 3.10.050 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Permit required. Except as otherwise provided by this Chapter or other applicable law, a Community Event Permit shall be required to be obtained from the City for any community event as defined by Section 3.10.020.”

SECTION 6. Section 3.10.060 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Application. (a) To receive a community event permit, the event promoter must complete and file a community event application with the Manager of Arts and Cultural Services, or other designated representative, on a form provided by the City. The applicant must provide the following information:

(1) The type of proposed use, event, or activity; i.e., fun run, carnival, festival;

(2) The street or other public or private property and the specific area or areas thereof which will be utilized in connection with the proposed use, event, or activity;

(3) The date or dates and the specific times thereof, including set-up and tear-down, that the public property is to be utilized for the described use, event, or activity;

(4) The name, address and telephone number of the person, entity or organization sponsoring or conducting the proposed event;

(5) The name, address and telephone number of the person or persons to be contacted regarding the application or permit;

(6) The number of past participants who attended previous events sponsored by the applicant, if available;

(7) The maximum number of persons which the applicant shall permit to attend at any time;

(8) Whether alcohol or cereal malt beverages will be available at the event;

(9) The applicant shall submit a site plan which includes:

(a) Any plans for fencing, and the size and location of the gates contained in such fence;

(b) The plans for supplying potable water, including the source, amount available and location of outlets;

(c) The placement of any stages;

(d) A map of the event identifying any and all street closures and placement of any barricades, with a designation of the types of barricades to be used;

(e) The plans for providing toilet and lavatory facilities, including the source, number and location, type, and the means of disposing of waste deposited;

(f) The plans for collection and disposing of solid waste material;

(g) The plans, if any, to illuminate the location of the community event, including the source and amount of power and the location of lamps;

(h) The plans for parking vehicles, including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots and any shuttle service;.

(i) The plans for sound and sound amplification, if any, including number, location and power of amplifiers and speakers;

(j) The placement and size of any signage for the event;

(k) The plans for seating, tables, bleachers or seating facilities;

(l) The plans and location for any beer gardens or other areas serving cereal malt beverages;

(m) The plans for electrical power and generators, if applicable;

(n) The plans and location of any tents or canopies and the size of any such tent or canopy.

(o) The plans and location of any portable amusement park or inflatable rides.

(p) The plans and locations, if any, where alcohol or cereal malt beverage will be sold or consumed.

(10) Security. All security must be provided by certified law enforcement officers and/or approved private security firms licensed

pursuant to Chapter 3.72 of the Code of the City of Wichita. The applicant shall be responsible for all costs incurred in providing security for the event;

(11) The plans for food and beverage concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers, if applicable;

(12) The plans and specific description for each of any other type of vendor or amusement or entertainment provider who will be allowed to operate on the grounds, including the names and addresses of such vendors and their license or permit numbers, if any;

(13) Proof of liability insurance for the event as required by Section 3.10.130;

(14) Receipt for payment of the application fee as set forth in Section 3.10.070.

(b) The Chief of Police shall establish a formula for determining the minimum number of officers necessary to provide adequate security for the event. The criteria set forth by the Chief shall be the sole criteria utilized in determining the security necessary for the specific event. In establishing the formula, the following criteria shall be utilized by the Chief of Police:

- (1) Number of event participants;
- (2) Number of past event participants, if available;
- (3) Whether alcohol is served or sold at the event;
- (4) The time and duration of the event;
- (5) Location or venue of the event;

- (6) Number of street closures required for the event;
- (7) Number of private security officers employed for the event;
- (8) Whether admission is charged for the event;
- (9) Size of area where alcohol is served;
- (10) Means of ingress and egress to the event.

In determining the amount of officers needed to provide security for an event, the Chief of Police shall not consider the content of the applicant's speech, the measure of hostility likely to be created by the applicant's speech or the response of others who may oppose the event.

(c) All applications must be submitted in accordance with the time limits established by Section 3.10.070."

SECTION 7. Section 3.10.070 of the Code of the City of Wichita, Kansas, is created to read as follows:

"Fees. All applicants for events whether held on private or public property shall be responsible for any applications, fees, licenses, permits and any rental fees which may be required based upon the scope and nature of event . The City Manager shall establish a schedule of fees for special events. Such schedule of fees shall be approved by a resolution of the City Council.

Applications may not be accepted by the Community Events Coordinator less than thirty (30) days prior to the event."

SECTION 8. Section 3.10.080 of the Code of the City of Wichita, Kansas, is created to read as follows:

"Review Process. Subject to Section 3.10.090, the Community Events Coordinator shall approve a community event permit if it is determined that all of the following criteria have been met:

(a) The event will not obstruct the operation of emergency vehicles or equipment in or through the particular permit area;

(b) The proposed event does not present a safety, noise, or traffic hazard;

(c) The proposed event conforms to regulations regarding the allowable number of participants for the proposed venue, location, or site; and

(d) In deciding whether to approve an application, no consideration may be given to the message of the event, the content of speech, the identity or associational relationships of the applicant, or to any assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the event.”

SECTION 9. Section 3.10.090 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Denial/Revocation of Permit. The Community Events Coordinator shall deny an application for a Community Events Permit if he or she finds any of the following:

(a) One or more of the approval criteria specified in Section 3.10.080 is not met;

(b) The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the application process;

(c) The application does not contain the information required by this Chapter;

(d) The application does not satisfy the requirements of this Chapter or administrative regulations adopted by the Community Events Coordinator;

(e) The applicant fails to comply with any conditions of approval including, but not limited to:

- (1) Remittance of fees, charges or deposits,
- (2) Proof of liability insurance required,
- (3) Obtaining all other permits and licenses as required by the

City Code for the proposed event.

(f) The applicant, in the last five years, has had a previous community event permit revoked for failure to comply with the terms or conditions of the permit, or for violations of the ordinances of the City of Wichita.

(g) The applicant, in the last five years, has organized a community event which did not conform to the plans and application submitted to the Community Events Coordinator or which failed to comply with any conditions for such event placed on the event by the Community Event Coordinator.

The applicant shall be notified of the denial in writing. The denial shall set forth the specific reasons for the denial of the application.”

SECTION 10. Section 3.10.100 of the Code of the City of Wichita, Kansas, is created to read as follows:

(a) “Revocation of Permit. All permits issued pursuant to this chapter shall be temporary and shall vest no permanent rights in the applicant and may be revoked by the City Manager or his or her designee in the event of a violation of any of the terms or conditions of the license or violations of the ordinances of the City of Wichita.”

SECTION 11. Section 3.10.110 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Appeal. Any applicant for a permit under this chapter who has been administratively denied the issuance of a permit by the Community Events Coordinator shall have a right of appeal from the denial to the Wichita City Council by filing a written request therefor with the City Clerk. The notice of appeal must be filed with the City Clerk within five days of the denial of such permit application. The appeal shall be heard at the next regularly scheduled meeting of the Council.

The City Council may approve the denial, overrule the denial or modify the request for the permit.

The Council’s decision may be appealed to the Eighteenth Judicial District Court of the State of Kansas pursuant to K.S.A. 60-2101.”

SECTION 12. Section 3.10.130 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Insurance Requirements. The permit holder for events occurring on public or park property shall procure and maintain in full force and effect during the term of the permit a policy of insurance from an insurance company authorized to do business in the State of Kansas, which policy includes the City of Wichita, its officers and agents, as named insureds and which provides general liability coverage in an amount not less than \$500,000 per occurrence and a minimum of \$50,000 property damage coverage. Proof of insurance shall be submitted to the City prior to issuance of the permit and maintenance of this insurance shall be a condition of the permit.”

SECTION 13. Section 3.10.140 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Community Event Temporary Signage. Directional signs for walks and races may be installed on the event route, including the City right-of-way or other private property with the property owner’s permission, by the permit holder or his/her designee, provided that each sign is less than two square feet in size, and installed less than two hours prior to the start of the event and removed within one hour of the completion of the event, irrespective of the provisions of Title 24. All other signs must be placed in conformance with all applicable sign code provisions. A site map showing the type and location of the proposed directional signs and any other signage must be submitted as part of the community event permit application and be approved by the City.

All necessary permits for such signs must be obtained.”

SECTION 14. Section 3.10.150 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Street Closures. Any street closures requested by a licensee or which are necessary as part of a community event permit application must be approved by the City Council prior to the issuance of the Community Event Permit by the Community Events Coordinator.”

SECTION 15. Section 3.10.160 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Display of Community Event Permit. A copy of the signed approval letter from the Special Events Coordinator shall be exhibited upon demand of any City official.”

SECTION 16. Section 3.10.170 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Use of City Name or Logo Without Authorization. It shall be unlawful for the permit holder conducting a community event to use the words ‘the City of Wichita’ or ‘City of Wichita’ to suggest or indicate that the event is sponsored by the City or to use a facsimile of the seal or logo of the City of Wichita in the promotional materials or advertising for the event without the City’s authorization.”

SECTION 17. Section 3.10.180 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Administrative Regulations. The Community Events Coordinator, or her/his designee, may adopt administrative regulations that are consistent with and that further the terms and requirements set forth within this Chapter. All such administrative regulations must be in writing.”

SECTION 18. Section 3.10.190 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Other Permits, Licenses and Fees. The issuance of a community event permit does not relieve any person from the obligation to obtain any other permit, license or pay any additional fees, including rental fees, required pursuant to this Code or other governmental entity or department of the City of Wichita.”

SECTION 19. Section 3.10.200 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Limitations and Restrictions. The issuance of a community event permit does not relieve any person from limitations or restrictions contained in the

Code of the City of Wichita relating to noise, sanitation, consumption of cereal malt beverages or alcoholic liquor or street obstructions.”

SECTION 20. Section 3.10.210 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Penalties. Any person who intentionally violates any of the provisions of this Chapter shall be guilty of a misdemeanor.”

SECTION 21 Section 3.10.220 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Block Parties – Approval Required. (a) No person shall engage in, participate, form or hold a block party, unless written approval for the block party has been obtained from the City of Wichita as provided herein:

(b) A block party shall mean a temporary gathering of area residents held on a blockaded portion of their residential street or alley within the City of Wichita.

(c) Requests to utilize a street for a block party or other similar neighborhood event shall be made by filing an application with the Community Events Coordinator. Such application shall be submitted no less than five business days prior to the proposed event. The Community Events Coordinator, with the approval of the Chief of Police, is authorized to close a local street for the purposes of a block party for a period not to exceed five hours.

(d) The applicant must include a petition in favor of the event signed by two-thirds of residents and businesses on both sides of the street to be closed. Only a street classified by the City as a residential street may be utilized for a block party or other similar neighborhood event.

(e) The application will be subject to such additional rules and regulations adopted by city staff to ensure that the street closure will not obstruct the operation of emergency vehicles or equipment in or through the area and that the proposed block party does not present a safety, noise or traffic hazard.

(f) Streets may not be blockaded for a period of time which exceeds five hours.

(g) Any applicant for a permit under this chapter who has been administratively denied the issuance of a permit shall have a right of appeal from the denial to the Wichita City Council by filing a written request therefor with the City Clerk. The notice of appeal must be filed with the City Clerk within five days of the denial of such permit application. The appeal shall be heard at the next regularly scheduled meeting of the City Council.

The City Council may approve the denial, overrule the denial or modify the request for the permit.

The City Council's decision may be appealed to the Eighteenth Judicial District Court of the State of Kansas pursuant to K.S.A. 60-2101.

(h) Approval for a block party does not relieve any person from the obligation to obtain any other permit or license required pursuant to this Code or other governmental entity.

(i) Approval for a block party does not relieve any person from limitations or restrictions contained in the Code of the City of Wichita relating to noise, sanitation, consumption of cereal malt beverages or alcoholic liquor or street obstructions.”

SECTION 23. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective on January 1, 2007, after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 16th day of May, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law